

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARREL BENDER, et al.,)
)
 Plaintiffs,)
 vs.)
)
 ROBERT OLIVIERI, et al.,)
)
 Defendants.)

Case No.: 2:11-cv-00172-GMN-RJJ

ORDER

Plaintiffs Darrel Bender and Midtown Group, Inc. have filed this lawsuit in federal court on diversity grounds. However, complete diversity of citizenship does not exist in this case, so it must be dismissed. *See Morongo Band of Mission Indians v. California State Bd. of Equalization*, 858 F.2d 1376, 1380 (9th Cir. 1988).


In order for a federal court to have subject matter jurisdiction based on diversity, all plaintiffs must be of different citizenship than all defendants. In a case with multiple plaintiffs and multiple defendants, the presence in the lawsuit of a single plaintiff from the same state as a single defendant deprives the federal court of diversity jurisdiction over the entire lawsuit. *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 553 (2005). A corporation incorporated in one state that has its principal place of business in another state is treated as a citizen of both states. 28 U.S.C. § 1332(c)(1) (“a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business”); *see Bank of California Nat. Ass’n v. Twin Harbors Lumber Co.*, 465 F.2d 489, 492 (9th Cir. 1972). Thus, Defendant 3 in 1, Inc., which Plaintiffs allege “is a California corporation, which has its principal place of business in Nevada,” (Compl. 2 ¶ 1, ECF No. 1), is a citizen of both California and

1 Nevada for the purposes of diversity analysis. Because Plaintiff Midtown Group, Inc. is
2 also a citizen of Nevada, (Compl. 2 ¶ 1, ECF No. 1), complete diversity does not exist.
3 Accordingly, the Court lacks subject matter jurisdiction over this case.

4 **CONCLUSION**

5 IT IS HEREBY ORDERED that this case is DISMISSED. Plaintiffs may re-file
6 this case in state court if they so choose.

7 DATED this 1st day of February, 2011.

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10 Gloria M. Navarro
11 United States District Judge
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